United States District Court

For the Northern District of California

1

2

3

4

5

6   UNITED STATES DISTRICT COURT

7   NORTHERN DISTRICT OF CALIFORNIA

8

9

10   EDWARD JAMES DRYG,

11   Petitioner,   No. C 06-7729 PJH

12   v.   **ORDER RE: SERVICE AND RESPONSE**

13   SHEILA E. MITCHELL, Chief, Santa
     Clara County Probation Department,
14
                Respondent.
15   _____/

16   On December 18, 2006, petitioner Edward James Dryg, who is presently on formal

17   supervised probation following a judgment of conviction in the Superior Court of California,

18   County of Santa Clara, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §

19   2254. On January 18, 2007, the court issued a lengthy order to show cause, directing Dryg

20   to demonstrate why his petition should not be dismissed as unexhausted. Dryg filed a

21   response on February 2, 2007.

22   This court's order to show cause inadvertently failed to order service of the petition

23   and order to show cause on respondent. Accordingly, respondent has yet to appear in the

24   case. Because the court determines that respondent is entitled to respond to Dryg's

25   arguments regarding exhaustion of his claim(s), the following is ORDERED:

26   1.   The clerk shall serve by certified mail: (1) a copy of this order; (2) the petition

27   and all attachments thereto; and (3) a copy of this court's January 18, 2007 order to show

28   cause upon respondents. Dryg is ORDERED to serve a copy of his February 2, 2007

1 response on respondent immediately upon receipt of this order.

2   2.   Respondent shall file with this court and serve on petitioner within 30 days of

3 date of this order a response to petitioner's supplemental brief regarding exhaustion.

4   3.   Petitioner may file and serve a reply, if any, within 14 days of the response.

5

6 Dated: February 23, 2007

7 **IT IS SO ORDERED.**

8

9   PHYLLIS J. HAMILTON
              United States District Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

United States District Court
For the Northern District of California